



**In the Matter of:**

**HARRY PETTIT,**

**ARB CASE NO. 00-053**

**COMPLAINANT,**

**ALJ CASE NO. 99-STA-047**

**v.**

**DATE: January 29, 2003**

**AMERICAN CONCRETE PRODUCTS,  
INCORPORATED,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**ORDER AWARDING ATTORNEY'S FEES**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982 (STAA), as amended, 49 U.S.C.A. § 31105 (West 1997), and the implementing regulations found at 29 C.F.R. Part 1978 (1999). On August 27, 2002, we issued a Final Decision and Order (F.D. & O.) in this case awarding the Complainant, Harry Pettit, damages including attorney's fees for services performed in the proceedings before the Administrative Law Judge for the period through April 27, 2000. F.D. & O. at 6-7. We also ordered Pettit to file an itemized petition for additional attorney's fees for services rendered after April 27, in the proceedings before the Board. *Id.* at 7.

Counsel for the Complainant, Neil A. Barrick, Esq., has filed a petition on behalf of the Complainant, requesting an hourly rate of \$125 and a total of two and one-half hours of additional services rendered on or after April 28, 2000. The fee petition was served on the employer, American Concrete Products, Inc., which has not filed objections.

We approve the hourly rate of \$125 as reasonable. We also conclude that the specified fees represent expenses reasonably incurred in defending before this Board the Administrative Law Judge's recommended award to the Complainant. *See* 29 C.F.R. § 1978.109(a)-(c).

## **ORDER**

Accordingly, American Concrete Products, Inc., is ordered to reimburse Harry Pettit \$312.50 in attorney's fees for the services of Neil A. Barrick, Esq., rendered between April 28, 2000 and August 27, 2002.

**SO ORDERED.**

**WAYNE C. BEYER**  
**Administrative Appeals Judge**

**JUDITH S. BOGGS**  
**Administrative Appeals Judge**

**OLIVER M. TRANSUE**  
**Administrative Appeals Judge**